

## Message Text

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ACTION IO-13

INFO OCT-01 AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSC-01 L-03

ADP-00 GAC-01 ACDA-19 CIAE-00 DODE-00 PM-09 INR-10

NSAE-00 NASA-04 NSC-10 SCI-06 NSF-04 OIC-04 EB-11

RSR-01 SS-15 H-02 PA-03 PRS-01 USIA-12 /197 W

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R 130156 Z APR 73

FM USMISSION USUN NY

TO SECSTATE WASHDC 7473

INFO AMEMBASSY MOSCOW

AMEMBASSYNEW DELHI

C O N F I D E N T I A L USUN 1338

E. O. 11652: GDS

TAGS: TSPA, PFOR, UN, UR, IN

SUBJ: OUTER SPACE LEGAL: MOON TREATY - NATURAL RESOURCES

REF: STATE 068135 ( NOTAL)

1. SUMMARY. EXTENDED CONSIDERATION OF MOON TREATY, NATURAL RESOURCES ARTICLE APRIL 12 FAILED TO PRODUCE AGREEMENT. MAIN OBSTACLE WAS QUESTION OF MARATORIUM ON EXPLOITATION PENDING ESTABLISHMENT OF INTERNATIONAL REGIME.

2. DETAILS. WORKING GROUP ON MOON TREATY APRIL 12 DEVOTED ENTIRE DAY TO CONSIDERATION OF ARTICLE X ON NATURAL RESOURCES. USDEL OPENED A. M. SESSION BY PROPOSING MODIFICATIONS OF ITALIAN COMPROMISE TEXT PER REFTTEL. PROPOSALS CONCERNING PARAS 5 (" INTERNATIONAL COMMUNITY") AND 6 (" EXTENDING " COMMON HERITAGE" CONCEPT) MET WITH BROAD NEGATIVE RESPONSE, WITH MANY DELS EXPRESSING DISQUIET OVER REOPENING DISCUSSION CONCERNING LANGUAGE REGARDED AS SETTLED AND SATSIFACTORY ACCOMMODATION OF DIFFERING VIEWPOINTS.

3. AS EXPECTED, USSR AND JAPAN LED OPPOSITION TO EXTENDING " COMMON HERITAGE" PRINCIPLE TO ENTIRE CLESTIAL BODY RATHER THAN IT RESOURCES; NON- ALIGNED, CONFIDENTIAL

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WHILE MILDLY GRATIFIED BY US SUGGESTION, DID NOT SUPPORT IT WITH ANY VIGOR IN FACE OF STRONG SOVIET AND JAPANESE

STATEMENTS ON QUESTION.

4. REGARDING ADDITION OF " THE INTERNATIONAL COMMUNITY" TO " ALL STATES" AS SHARERS OF PROSPECTIVE BENEFITS OF FUTURE RESOURCE EXPLOITATION, CANADA MILDLY SUPPORTED CONCEPT, BUT MAJORITY OF SUBCOMMITTEE ARGUED THAT TERM ADDED NOTHING TO CONTENT OF PROVISION. PER INSTRUCTIONS, USDEL DID NOT PURSUE EITHER PROPOSAL; MANY DELS EXPRESSED APPRECIATION WHEN THEY WERE DROPPED.

5. MAJOR IMPASSE DEVELOPED OVER QUESTION OF " MORATORIUM" ON RESOURCE EXPLOITATION PENDING INSTITUTION OF INTERNATIONAL REGIME AS RESULT OF FUTURE CONFERENCE. USDEL MOVED TO DELETE " NATURAL RESOURCES" FROM NON- APPROPRIATION PROVISION OF ARTICLE, (" NEITHER THE SURFACE NOR SUBSURFACE OF THE MOON OR OTHER CELESTIAL BODIES, OR ANY AREA THEROF, SHALL BECOME THE PROPERTY OF ANY STATE.") STATING THAT WHILE WE HAD NOT UNDERSTOOD THIS AS IMPOSING MORATORIUM, IN VIEW OF POSSIBLE CONTRARY INTERPRETATION WE WOULD HAVE TO INSIST ON ITS BEING DROPPED. INDIA RESPONDED WITH STATEMENT THAT THIS DELETION WOULD MAKE INDIAN POSITION ON ARTICLE X " COMPLICATED AND EXTREMELY DIFFICULT," AND WOULD FORCE INDIA TO REINTRODUCE ITS EARLIER RESOURCES PROPOSAL ( WHICH WE INTERPRET AS EMBODYING MORATORIUM UNTIL INTERNATIONAL REGIME ESTABLISHED).

6. DURING EXTENDED ENSUING DISCUSSION, SEVERAL DELS SUPPORTED RETENTION OF " NATURAL RESOURCES" LANGUAGE WHILE DISCLAIMING INTENTION TO IMPOSE PRE- REGIME MORATORIUM, AMONG THEM BRAZIL WHICH ARGUED THAT DROPPING PHRASE COULD CREATE IMPLICATION THAT SOME FORM OF SOVEREIGN RIGHTS OVER NATURAL RESOURCES COULD BE ESTABLISHED.

7. US REP STRESSED THAT MORATORIUM PROVISION OR INTER- PRETATION WAS ABSOLUTELY UNACCEPTABLE TO US. EMPHASIZING THAT THIS WAS UNINSTRUCTED AND ENTIRELY AD REFERENDUM, HE THEN ASKED GROUP' S VIEWS ON RETAINING " NATURAL RESOURCES" WHILE ADDING FOLLOWING EXPLICIT PROVISION:  
QUOTE NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS IMPOSING A MORATORIUM ON EXPLORATION OF THE NATURAL RESOURCES OF  
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THE MOON AND OTHER CELESTIAL BODIES PENDING ESTABLISHMENT OF THE INTERNATIONAL REGIME CONTEMPLATED IN PARA 4 OF THIS ARTICLE. END QTE. ALTHOUGH SEVERAL DELS EXPRESSED HOPE THAT THIS MIGHT PROVE SOLUTION, INDIA AND EGYPT REJECTED IDEA. EGYPT SUBSEQUENTLY ADVISED AGAINST PRESSING PROPOSAL ON GROUNDS THAT OFFICIALS IN CAPITALS MIGHT REACT WITH INSTRUCTIONS TO TAKE STILL MORE RIGID PROVISIONS.

8. MEETING BROKE OFF FOR INFORMAL CONSULTATIONS WHICH PRO-

VED FRUITLESS, THEN REASSEMBLED IN PESSIMISTIC  
ATMOSPHERE. IN BRIEF INTERVENTIONS CANADA, UK AND  
AUSTRIA URGED AGAINST BREAKDOWN OF NEGOTIATIONS ON  
TREATY ON WHICH SO MUCH PROGRESS HAD BEEN ACHIEVED,  
CANADA ADDING THAT TEXT ALREADY CONTAINED SUBSTANTIAL  
BENEFITS FOR NON- SPACE POWERS INCLUDING PROVISION FOR  
FUTURE INTERNATIONAL REGIME OVER NATURAL RESOURCES OF  
CELESTIAL BODIES. USSR OMINOUSLY STATED THAT MUCH IN  
GENERAL DEVELOPMENT OF INTERNATIONAL LAW OF OUTER SPACE WOULD  
DEPEND ON OUTCOME OF CURRENT MOON TREATY NEGOTIATIONS.  
CHAIR ( POLAND) CLOSED MEETING WITH LOW KEY APPEAL TO DELS  
TO APPROACH PROBLEM IN SPIRIT OF GOOD WILL AND COMPROMISE  
WITHOUT, HOWEVER, DISPLAYING EXCESSIVE HOPEFULNESS.  
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